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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,321	07/08/2005	Pierre Le Bot	262421US6PCT	3878
22850	7590	11/04/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
CAJILIG, CHRISTINE T				
ART UNIT		PAPER NUMBER		
3633				
NOTIFICATION DATE		DELIVERY MODE		
11/04/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/516,321

Applicant(s)

LE BOT ET AL.

Examiner

CHRISTINE T. CAJILIG

Art Unit

3633

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-70 is/are pending in the application.
- 4a) Of the above claim(s) 53,56,61 and 65-70 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51,52,54,55,57-60 and 62-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/10/09 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 51, 52, 57-60, and 62-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Gelette (U.S. Patent No. 1,789,740).

Regarding claim 51, Gelette discloses an assembly comprising: a panel of fragile material having two faces (exterior face and face directly adjacent the point fastener) and at least one edge surface connecting said faces, the at least one edge surface comprising a first contact region (region of panel which contacts channel 4 of anchoring part 1) and a second contact region (region of panel which contacts channel 4 of anchoring part 2), wherein a portion of said panel is interposed between said first and

second contact regions; and at least one point fastener (1, 2) comprising a first anchoring part (1) configured to engage said first contact region and a second anchoring part (2) configured to engage said second contact region ; and at least one adjusting device (7) configured to apply a force in a direction parallel to said faces and along a line connecting the first and second anchoring parts to draw the first and second anchoring parts toward one another, whereby the first and second anchoring parts bear against the interposed portion of the panel at the first and second contact regions, respectively.

Regarding claim 52, Gelette discloses that the second contact region is situated on a side of the panel.

Regarding claim 57, the claim is a product by process claim and the panel does not depend on the process of making it. The product-by-process limitation "the first and second contact regions [are] produced by pinching would not be expected to impart distinctive structural characteristics to the panel. Therefore, the claimed panel is not a different and unobvious panel from the panel with contact regions as disclosed by Gelette.

Regarding claim 58, Gelette discloses that the first and second contact regions are positioned on two respective adjacent side edges of the panel.

Regarding claim 59, Gelette discloses that the first and second contact regions are positioned one on each side of an axis of symmetry of the panel.

Regarding claim 60, Gelette discloses that the fixing system comprises two of said point fasteners, each of said point fasteners positioned on a different side of said panel.

Regarding claim 62, Gelette further discloses that the adjusting device comprises a tensioning device.

Regarding claim 63, Gelette further discloses that the tensioning device comprises a screw-nut device.

Regarding claim 64, Gelette further discloses that the adjusting device comprises a torque-limiting device.

Claim 51 is rejected under 35 U.S.C. 102(b) as being anticipated by Oishei (U.S. Patent No. 1,938,541).

Regarding claim 51, Oishei discloses an assembly comprising: a panel of fragile material having two faces (exterior face and face directly adjacent the point fastener) and at least one edge surface connecting said faces, the at least one edge surface comprising a first contact region (region of panel which contacts channel 47 of anchoring part 46) and a second contact region (region of panel which contacts channel 47 of anchoring part 46), wherein a portion of said panel is interposed between said first and second contact regions; and at least one point fastener (33) comprising a first anchoring part (46) configured to engage said first contact region and a second anchoring part (46) configured to engage said second contact region; and at least one adjusting device (43) configured to apply a force in a direction parallel to said faces and

along a line connecting the first and second anchoring parts to draw the first and second anchoring parts toward one another, whereby the first and second anchoring parts bear against the interposed portion of the panel at the first and second contact regions, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oishei (U.S. Patent No. 1,938,541) in view of La Hodny (U.S. Patent No. 1,538,338).

Regarding claims 54 and 55, Oishei discloses the structure above, but does not disclose that at least one of the first and the second contact regions is at an edge provided with an open orifice or a cut-out.

La Hodny discloses a mirror and mount assembly wherein the mirror panel has edges with a cut-out or open orifice to prevent displacement of the mount assembly.

It would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Oishei to include cut-outs or open orifices at the edge of the panel as taught by La Hodny to prevent displacement of the point fastener or cause the panel to slide out.

Response to Arguments

Applicant's arguments with respect to claim 51 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's argument with respect to claim 60 has been fully considered but they are not persuasive. Applicant argues that the point fasteners of Johnson, and likewise those of Gelette, are not located on opposite sides, but are instead on the same side of the frame. However, the language of claim 60 does not limit that the adjusting device of the point fasteners must be on opposing side faces of the panel. Claim 60 merely requires that the two point fasteners are "positioned on a different side of the panel." In the instant case, the applied prior art of Gelette discloses point fasteners on different sides -- a left side and a right side -- of the panel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE T. CAJILIG whose telephone number is (571) 272-8143. The examiner can normally be reached on Monday-Thursday, 9 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571) 272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. T. C./
Examiner, Art Unit 3633

/Robert J Canfield/
for R. Chilcot, SPE of Art Unit 3633/3635